

ORDINANCE NO. R- 2015-13

TAX CODE(S): 82-06-25-015-160.001-027,
82-06-25-015-160.002-027 & 82-06-25-015-160.003-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 5501, 5521 & 5601 E. Lloyd Expressway

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Lots 1, 2 and 3 in Sycamore Pointe Retail Center, an addition to the City of Evansville, as per plat thereof, recorded in Plat Book S, Page 117 in the office of the Recorder of Vanderburgh County, Indiana.

by changing the zoning classification of the above-described real estate from C-2 w UDC to C-2 w UDC, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.


Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 07/21/2015 at Instrument No.: 2015R00016899. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

FILED

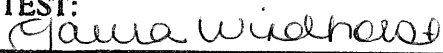
APR 13 2015

Anna Windner
CITY CLERK

Passed by the Common Council of Evansville, Indiana, on this 13 day of July, 2015.




President

ATTEST:


City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the 10 day of July, 2015.

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 15th day of July, 2015, at 1:15 o'clock pm.



Mayor of the City of Evansville, Indiana

This instrument was prepared by Krista B. Lockyear, JACKSON KELLY PLLC
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Krista B. Lockyear

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the undersigned, Alfred E. Buck and Betty N. Buck Revocable Trust is the Owner of certain real estate situated in the City of Evansville, Vanderburgh County, Indiana, commonly described as 551, 5521 and 5601 East Lloyd Expressway, Evansville, Indiana, more particularly described on Exhibit "A", attached hereto and by this reference made a part hereof (the "Real Estate"); and

WHEREAS, the Real Estate is currently classified as a Commercial-2 with a Use and Development Commitment (C-2 w/UDC) zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Lloyd Plaza, LLC (the "Petitioner") and Owner have requested that the Real Estate be reclassified to zoning district Commercial -2 with a Use and Development Commitment (C-2 w/UDC), for purposes of modifying the Use and Development Commitment; and

WHEREAS, Owner and Petitioner are desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C.36-7-4-1015;

NOW, THEREFORE, in consideration of the foregoing, Owner and Petitioner make the following use and development commitments concerning the use of the Real Estate:

1. Restricted Use. The following C-2 uses shall be prohibited on the Real Estate:
 - a. Apartment dwelling unit(s);
 - b. Multiple dwellings (a dwelling for three or more families);
 - c. Sororities and fraternities;
 - d. Package Liquor Store;
 - e. Business School;
 - f. Commercial Trade School;
 - g. Lawnmower repair;
 - h. Lawnmoving service;
 - i. Bar;
 - j. Bowling alley;
 - k. Dance hall;
 - l. Night club;
 - m. Pool and billiard room;
 - n. Automotive Service Station;
 - o. Hotel and motel;
 - p. Union hall/trade association meeting hall.

2. Buffer. Petitioner shall maintain in good and attractive condition and repair along the eastern property line a six (6) foot tall privacy fence and a row of pine trees planted within ten (10) to twelve (12) feet of each other along the outside of the fence. Petitioner's maintenance obligation includes the replacement of any dead or severely diseased pine trees and the repair and replacement of the fence.
3. Lighting. Exterior lighting shall be shielded in such a manner as to direct light away from adjacent residential property. Any pole lighting located along the southern boundary of the real estate shall be limited to a height of sixteen (16) feet, and any pole lighting located on the remainder of the Real Estate shall be limited to a height of twenty-four (24) feet, both as measured from the ground.
4. Signage. No billboards shall be located on the Real Estate; provided, however, that an advertising sign may be constructed on the Real Estate along the Lloyd Expressway for purposes of advertising businesses located on the Real Estate and the business of developer and manager of the Real Estate, whether or not such a sign is classified as on-premise advertising or off-premise advertising. Any such sign shall be limited to a height of twenty-eight (28) feet and shall be similar in design to the sign depicted on Exhibit "B" attached hereto and by this reference made a part hereof.
5. Height Limitation. No buildings on the Real Estate shall be taller than two (2) stories. This provision does not restrict the height the roof or the location of any HVAC or other equipment on the roof of a building.
6. Term. The commitments and undertakings herein made and expressed shall terminate, expire and be of no further force or effect if the Real Estate should be rezoned due to the filing of some subsequent petition to amend the zoning classification of the Real Estate.
7. Effective Date. This Commitment shall be recorded in the office of the Recorder of Vanderburgh County, Indiana, and shall take effect upon the adoption of the zoning classification of the Real Estate from Residential to C-2 Zoning District.
8. Binding Effect; Enforcement; Attorneys' Fees. All commitments and undertakings herein expressed shall be binding on the Owner and the Owner's heirs, legal representatives, successors and assigns, and shall run in favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one-half (1/2) mile from the Real Estate herein described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or other equitable relief pursuant to the manner of enforcement as set forth in I.C. and 36-7-4-1015. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

The person executing this instrument on behalf of Owner and Petitioner represent and warrant that the execution and delivery of this instrument is duly has been duly authorized and shall be binding upon the same.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 20 day of April, 2015, for the purposes set forth herein.

Lloyd Plaza, LLC

By: Arthur Klipsch
signature

Its: Arthur Klipsch, managing member
printed name and title

"Petitioner"

STATE OF Indiana)

COUNTY OF Vanderburgh)

SS:

Before me, a Notary Public in and for said County and State, personally appeared the within named Arthur Klipsch, as Managing Member of Lloyd Plaza, LLC, and acknowledged the execution of the above and foregoing to be the voluntary act and deed of said company.

WITNESS my hand and seal this 20 day of April, 2015.



KRISTA B. LOCKYEAR
Resident of Vanderburgh County, IN
Commission Expires: December 13, 2019

[Signature]
Notary Public

My Commission Expires:

Printed Name

My County of Residence:

By: Alfred E. Buck
Alfred E. Buck, Co-Trustee of the
Alfred E. Buck & Betty N. Buck
Revocable Trust


Its: Betty N. Buck
Betty N. Buck, Co-Trustee of the
Alfred E. Buck & Betty N. Buck
Revocable Trust

"Owner"

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, a Notary Public in and for said County and State, personally appeared the within named Alfred E. Buck and Betty N. Buck, Co-Trustees, and acknowledged the execution of the above and foregoing to be their voluntary act and deed.

WITNESS my hand and seal this 16 day of April, 2015.
Andrea D. Reller
Notary Public

 ANDREA D. RELLER
Resident of Warrick County, IN
Commission Expires: May 31, 2016
My Commission Expires: _____
My County of Residence: _____

This Instrument was prepared by Krista B. Lockyear, JACKSON KELLY PLLC, 221 N.W. Fifth Street,
P.O. Box 1507, Evansville, Indiana 47706-1507, (812) 422-9444

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security
number in this document, unless required by law.
Krista B. Lockyear

EXHIBIT "A"

Lots 1, 2 and 3 in Sycamore Pointe Retail Center, an addition to the City of Evansville, as per plat thereof, recorded in Plat Book S, Page 117 in the office of the Recorder of Vanderburgh County, Indiana.

VERIFIED PETITION FOR REZONING

2015-16 -PC

ORDINANCE NO. R-2015-13
COUNCIL DISTRICT: WARD 1 - MULINN

PETITIONER: Lloyd Plaza, LLC PHONE: _____
ADDRESS: 223 NW 2nd Street, Suite 300, Evansville, IN ZIP CODE: 47708
OWNER OF RECORD: Alfred & Betty Buck Revocable Trust PHONE: _____
ADDRESS: 4012 Fall Creek Drive, Evansville, IN ZIP CODE: 47711

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
2. Premises affected are on the South side of Lloyd Expressway (S.R.66) a distance of 500+/- feet East of the corner formed by the intersection of Lloyd Expressway and Fielding Road.
Registered Neighborhood Association (if applicable): N/A

LEGAL DESCRIPTION:

Subdivision: Sycamore Pointe Retail Center Block: _____ Lot No.: 1,2&3
(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is: 5501, 5521 & 5601 East Lloyd Expressway, Evansville, IN 47715
4. The real estate is located in the Zone District designated as: C-2 w Use Commitment
5. The requested change is to (Zone District): C-2 with Use Commitment
6. Present existing land use is: Vacant Land
7. The proposed land use is: Commerical
8. Utilities provided: (check all that apply)
City Water: X Electric: X Gas: X Storm Sewer: X
Sewer: Private: _____ Public: X Septic: _____
9. All attachments are adopted by reference.
10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE: 4-13-15 PETITIONER: _____
(when signed) PRINTED NAME: Krista B. Lockyear, attorney for Petitioner

DATE: 4-13-15 OWNER OF RECORD: _____
(when signed) PRINTED NAME: Alfred & Betty Buck Revocable Trust

REPRESENTATIVE FOR PETITIONER NAME: Krista B. Lockyear
(Optional) ADDRESS/ZIP: 221 N.W. Fifth St., Evansville, IN 47706-1507
PHONE: 812.422.9444

FILED

APR 13 2015

Anna Winder
CITY CLERK

Abutting Owners
April 13, 2015

Smith & Briscoe, LLC
PO Box 4190
Evansville, IN 47724-0190
5501 E. Sycamore St.
82-06-25-015-154.001-027

YGP Dodge Realty LLC
PO Box 15340
Evansville IN 47716
5531 E Indiana St
5521 E Indiana St
82-06-24-015-141.001-027
82-06-24-016-099.002-027

Larry and Suzy Wright
5500 E. Sycamore Street
Evansville IN 47715
82-06-25-015-154.013-027

Karen K. Staley Trust
Karen K. Riggs, Trustee
5521 E. Sycamore Street
Evansville IN 47715
82-06-25-015-154.014-027

Church of the Cross General
5401 E Lloyd Expressway
5403 E Lloyd Expressway
82-06-25-017-110.008-027
82-06-25-017-110.003-027

Fielding Court Apartments, LLC
3 S Brentwood Drive
Evansville, IN 47715
1 Brentwood Circle
82-06-25-017-118.007-027

Evansville Dealership Property LP
8500 Shawnee Mission Pkwy
Shawnee Mission, KS 66202
5600 E Division Street
82-06-24-015-141.005-027

Patsy Joe Moore & Shirley Lester
108 S. Royal Ave.
Evansville, IN 47715
82-06-25-015-157.004-027

Garrett & Leslie Davies
100 S. Royal Ave.
Evansville, IN 47715
82-06-25-015-154.005-027

Sharon Marsch
50 S. Royal Ave.
Evansville, IN 47715
82-06-25-015-157.003-027

Jill Kathleen Wedding
40 S. Royal Ave.
Evansville, IN 47715
82-06-25-015-154.002-027

Mary Ann Lowrance
30 S. Royal Ave.
Evansville, IN 47715
82-06-25-015-154.006-027

Lauren A. Evans
20 S. Royal Drive
Evansville, IN 47715
82-06-25-015-154.007-027

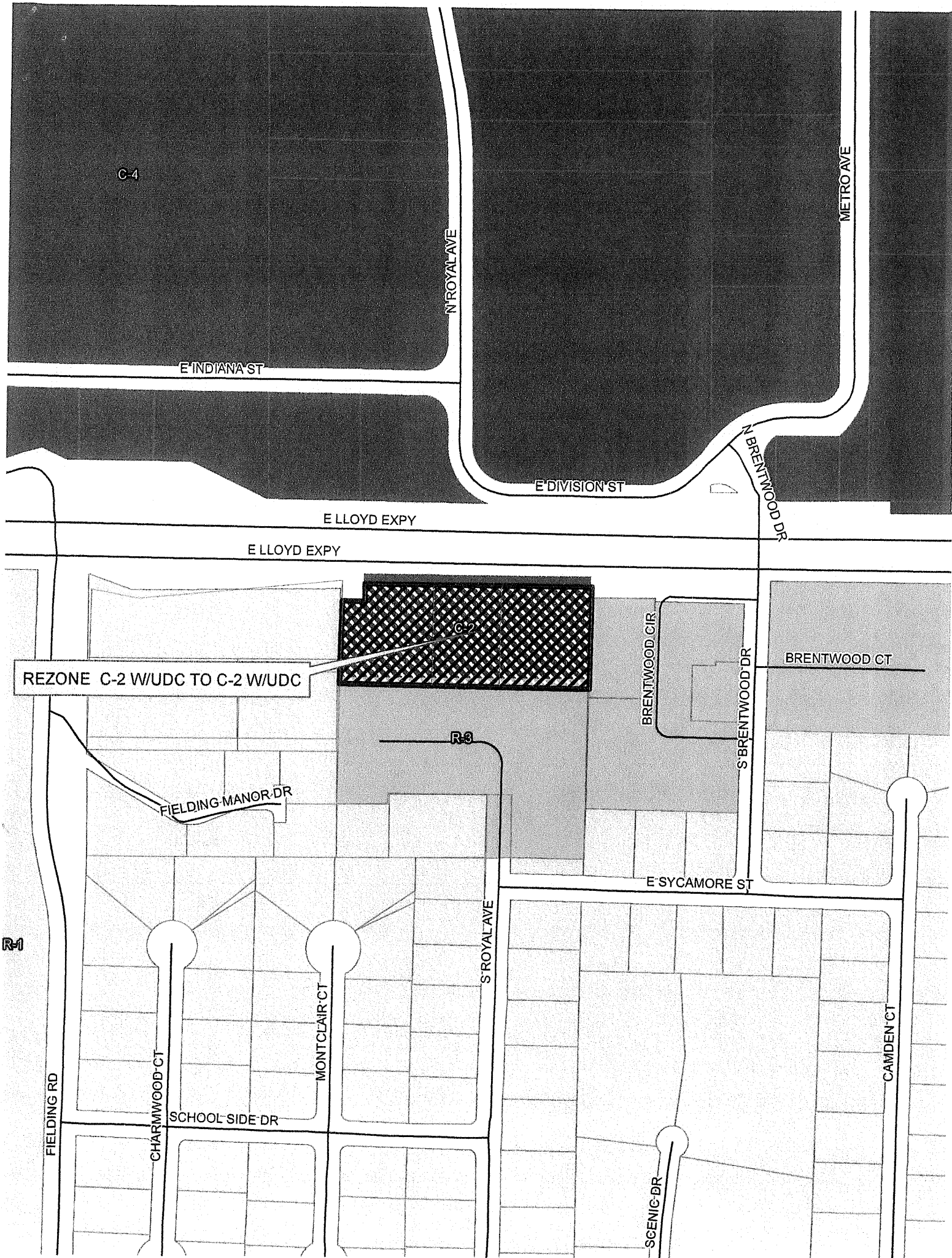
Dorothy M. Huber
5620 E. Sycamore Street
Evansville, IN 47715
82-06-25-015-154.008-027

James R. & Treva Price
5610 E. Sycamore Street
Evansville, IN 47715
82-06-25-015-154.009-027

Mary D. Williams Trustee,
of the Mary D. Williams Trust
5600 E. Sycamore Street
Evansville, IN 47715
82-06-25-015-154.010-027

Donna C. Albert
552 E. Sycamore Street
Evansville, IN 47715
82-06-25-015-154.011-027

James W. & Susan E. Hart, Trustees
of the Hart Family Revocable Living Trust
12898 E. Cibola
Scottsdale, AZ 85259
5510 E. Sycamore Street
82-06-25-015-154.012-027



—Mordern Cars
RT.1/4
Section 25-B-11

5057557 300.14

50757357 2076180

Northrail Comm
N.E. 1/4
Section 25-8-16

BOUNDARY DESCRIPTION

[illegible]

SWITCHBOARD - COMMUNICATE

[illegible]

AREA PLAY COMMISSION - CERTIFICATE

S. 17

Know the industry practice for the acts of theft, public law 92-124, and extend to the General Assembly of the State of Indiana. He and his team have further supported by the FBI, FBI, CHICAGO, OF INDIANA, AND INDIANAPOLIS, CHICAGO, OF A NUMBER of acts of theft, public law 92-124.

A.P.C. DOCKET NO. 0-3-2001

Company's right to give up an already paid deposit by receiving

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PAID RECEIVING DATE: March 2, 1925

Control polymerization starting 1-10-71 until 6-30-71

GENERAL NOTES

1. **Defendant** - Defendant is the person charged with a crime.
2. **Prosecution** - The state or federal government that brings the charges against the defendant.
3. **Defense** - The lawyer or lawyers who represent the defendant.
4. **Jury** - A group of people who listen to the evidence and decide if the defendant is guilty or not guilty.
5. **Verdict** - The decision made by the jury or judge.
6. **Sentence** - The punishment given to the defendant if found guilty.
7. **Appeal** - A request to a higher court to review the decision of a lower court.
8. **Warrant** - A legal document that allows law enforcement to search for or arrest a person.
9. **Subpoena** - A legal document that requires a person to appear in court.
10. **Alibi** - A claim that the defendant was not present at the scene of the crime.
11. **Confession** - A statement made by the defendant admitting to the crime.
12. **Evidence** - Any information that helps prove or disprove a claim.
13. **Witness** - A person who has seen or heard something related to the crime.
14. **Expert** - A person with specialized knowledge or skills who can provide testimony.
15. **Prosecutor** - The lawyer who represents the state or federal government.
16. **Defense Attorney** - The lawyer who represents the defendant.
17. **Judge** - A person who presides over the trial and makes legal decisions.
18. **Courtroom** - The place where the trial takes place.
19. **Witness Stand** - The place where witnesses give their testimony.
20. **Prosecution Table** - The table where the prosecution's lawyers sit.
21. **Defense Table** - The table where the defense's lawyers sit.
22. **Witness Chair** - The chair where witnesses sit.
23. **Prosecution Bench** - The bench where the prosecution's lawyers sit.
24. **Defense Bench** - The bench where the defense's lawyers sit.
25. **Judge's Bench** - The bench where the judge sits.
26. **Witness Box** - The box where witnesses sit.
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DRINKS - CREDITS

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 17, N.Y.

310

Can not answer this
and therefore, it
is an old
trick, a copy case

Summary



SEAL
PUBLIC NOTARY

TABLE OF CONTENTS (continued)

By Commission Agent

1/16/78

Witness my hand and seal this 16th day of January, 1978.

Notary Public

County of _____ State of _____

[Signature]
Notary Public
(Type or print name)

[Signature]
 (Print or printed name)

STANDARD EXTENSION PLUGS ARE
SPECIFIED IN THE CASE OF SPECIAL
SIZES OF PLUGS ONLY

DATE IN 2013
FILE

13